

NO. 05 CV
NO. 90 CR 0314

IN THE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO
SAN JUAN DIVISION

JOHN A. CASILLAS
PETITIONER,

v.

UNITED STATES OF AMERICA
RESPONDENT.

CLERK'S OFFICE
U.S. DISTRICT COURT
SAN JUAN, P.R.

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ON PETITION FOR LEAVE TO FILE MOTION TO OPEN JUDGMENT
DATED MARCH 22, 2002 PURSUANT TO RULE 60(b)(6) OF THE
FEDERAL RULES OF CIVIL PROCEDURE, 28 U.S.C.A.

HONORABLE CARMEN CONSUELO CEREZO
UNITED STATES DISTRICT JUDGE

John A. Casillas[LD NTC PRO-PER]
SUI JURIS- INSOLVENT
PRI. NO. 06843-069 Unit B-2
FEDERAL SATELLITE LOW
2650 HWY 301 SOUTH
JESUP, GA 31599-5601

ORIGINAL

IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO
SAN JUAN DIVISION

JOHN A. CASILLAS
PETITIONER,

V.

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RESPONDENT.

CIV. NO. 05 CV _____
CRIM.NO. 90 CR 0314(CCC)

HONORABLE Carmen C. Cerezo

JURISDICTION

RULE 60(b)(6), 28 USC.
28 USC §1651 ALL WRITS ACT
28 USC §1331 FEDERAL QUESTION
ADMINISTRATIVE PROCEDURE ACT
5 USC §556(d)
5 USC §701-706
ARTICLE III

AFFIRMATION

TO THE HONORABLE JUDGE CEREZO:

COMES NOW, Petitioner, sui juris and hereby respectfully moves this LEGISLATIVE COURT pursuant to the provisions of Rule 60(b)(6) for relief of a final judgment under "any other reason justifying relief from the operation of the judgment", and 28 United States Code §1651, to remedy the deprivation of protected interest[liberty] rights guarantee by the First, Fifth and Sixth Amendments to the United States Constitution, based on the subsequent change in law[intervening favorable Supreme Court Ruling inconsistent with the Court's judgment] that may provide the "extraordinary circumstances" requirements for the granting of a Rule 60(b)(6) motion. Thus, the court, then, may revisit the merits of its earlier order/judgment dated **March 22, 2002, docket entry**

59 and 60 in 97 CV 1645(CCC) included herein as APPENDIX A, to avoid a "miscarriage of justice" as defined by habeas jurisprudence or a procedural due process.


Petitioner declares and affirms that the review of this case should be by an Article III judge and does not give consent nor waives his right if the review is assigned to non-article III judge by the Court.

I, do hereby declare and affirm that the facts in the foregoing petition "MOTION TO OPEN JUDGMENT " are true with respect and under the perspective of positive evidence.

I have read the foregoing and state that it is true and correct.

Signed under the penalty of perjury
pursuant to 28 U.S.C. §1746, this 3
day of February 2005.

JOHN A. CASILLAS
JOHN A. CASILLAS[DEBTOR]

/s/ 
John A. Casillas[LD NTC PRO-PER]
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